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PATENT
Customer No. 22,852
Attorney Docket No. 05725.1018-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Xavier BLIN et al.

Application No.: 10/046,568

Filed: January 16, 2002

For: NAIL POLISH COMPOSITION
COMPRISING A POLYMER

)
)
) Group Art Unit: 1615
)
) Examiner: Jyothsna A. VENKAT
)
) Allowed: June 3, 2005
)
) Confirmation No.: 1780
)

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(d)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Office the documents listed on the attached IDS Form PTO/SB/08. This Supplemental Information Disclosure Statement is being filed after the Notice of Allowance dated June 3, 2005, but before payment of the issue fee. In compliance with 37 C.F.R. § 1.97(d), this Supplemental Information Disclosure Statement is accompanied by a fee of \$180.00 as specified under 37 C.F.R. § 1.17(p) and a certification as specified under 37 C.F.R. § 1.97(e)(2).

Based on a reasonable inquiry, no document listed in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and no document listed in this Supplemental

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Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c), more than three (3) months prior to the filing date of this Supplemental Information Disclosure Statement.

Copies of the listed documents are attached, excluding any U.S. Patents, U.S. Patent Application Publications, and co-pending U.S. Patent Applications that are available in the Image File Wrapper System. Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached IDS Form PTO/SB/08.

Further to the Notification of Pending Litigation filed July 23, 2004, Applicants submit two additional documents from the on-going litigation *L'Oreal S.A., et al. v. Estee Lauder Companies, Inc., et al.*, Civil Action No. 04-1660 (D.N.J.). The first document is a copy of Estee Lauder's Amended Answer and Counterclaims. The second document is a copy of Estee Lauder's Response to Plaintiff's Third Set of Interrogatories (Nos. 8-13). Both of those documents are enclosed with this Supplemental Information Disclosure Statement and listed on the IDS Form PTO/SB/08.

As explained in Applicants' Information Disclosure Statement of March 22, 2005, the United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar,

out of an abundance of caution, Applicants have listed substantive office actions from co-pending applications on the attached IDS Form PTO/SB/08 and have enclosed copies of the documents as well. At the Office's request, Applicants have not included copies of those Office Actions issued in the co-pending applications by the present Examiner of this application.


This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

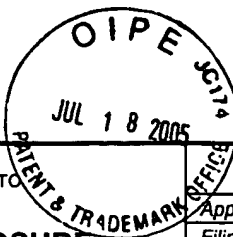
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 18, 2005

By: 
Michelle E. O'Brien
Reg. No. 46,203



IDS Form PTO/SB/08: Substitute for form 1449A/PTO		Complete if Known			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/046,568		
		Filing Date	January 16, 2002		
		First Named Inventor	Xavier BLIN		
		Art Unit	1615		
		Examiner Name	Jyothsna A. VENKAT		
Sheet	1	of	2	Attorney Docket Number	05725.1018-00000

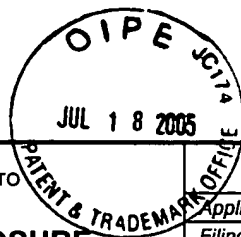
U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		4,148,875	04/10/1979	Barnett et al.	
		4,822,601	04/18/1989	Goode et al.	
		5,290,555	03/01/1994	Guthauser et al.	
		5,605,651	02/25/1997	Balzer	
		5,702,519	12/30/1997	Nitta et al.	
		5,993,787	11/30/1999	Sun et al.	
		6,214,326 B1	04/10/2001	Dupuis	
		6,428,773 B1	08/06/2002	Oko et al.	
		6,447,759 B2	09/10/2002	Noguchi et al.	
		6,506,716 B1	01/14/2003	Delplancke et al.	
		6,761,881 B2	07/13/2004	Bara	
		6,875,245 B2	04/05/2005	Pavlin	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Estee Lauder's Amended Answer and Counterclaims, dated April 21, 2005, in the on-going litigation L'Oreal S.A., et al., v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Estee Lauder's Response to Plaintiff's Third Set of Interrogatories (Nos. 8-13), dated June 21, 2005, in the on-going litigation L'Oreal S.A., et al. v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808-00), dated April 25, 2005 (Ex. Yoon)	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



IDS Form PTO/SB/08: Substitute for form 1449A/PTO		Complete if Known			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/046,568		
		Filing Date	January 16, 2002		
		First Named Inventor	Xavier BLIN		
		Art Unit	1615		
		Examiner Name	Jyothisna A. VENKAT		
Sheet	2	of	2	Attorney Docket Number	05725.1018-00000

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594-00), dated May 3, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595-00), dated June 2, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832-00), dated April 29, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005-00), dated June 3, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/203,254 (Attorney Docket No. 05725.0817-01), dated April 22, 2005 (Ex. Berko)	
		Office Action in co-pending Application No. 10/203,375 (Attorney Docket No. 06028.0018-00), dated May 13, 2005 (Ex. Punnoose)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05715.1187-00), dated April 18, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/699,780 (Attorney Docket No. 05725.0895-02), dated June 15, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05725.1338-01), dated June 15, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806-00), dated July 13, 2005 (Ex. Nutter)	
		Richard J. Lewis, Sr., "Ricinoleic Acid," Hawley's Condensed Chemical Dictionary 927 (13th Ed.1997)	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.